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| Signature  |  |  |                        |   |  |  |
| Date May 31, 2005  |  |  |                        |   |  |  |
| Bate   |  |  |                        |   |  |  |
| CERTIFICATE OF MAILING/TRANSMISSION  I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |  |  |                        |   |  |  |
| Typed or printed name   Ratherine Jennings   |  |  |                        |   |  |  |
| Signature Minute Signature   |  |  | D                      | Oate May 31, 2005   |  |  |
| Based on PTO/SB/21 (04-04)<br>SEND TO: Commissioner for  | Based on PTO/SB/21 (04-04) as modified by blakely, Solokoff, Taylor & Zakhan (wir) 06/04/2004. SEND TO: Commissioner for Patents, P.O. Box 1450, Atexandria, VA 22313-1450 |  |                        |   |  |  |

#### Complete if Known **FEE TRANSMITTAL** Application Number 09/752,799 for FY 2005 Filing Date December 28, 2000 First Named Inventor Patent fees are subject to annual revision Teng, et al. Examiner Name Mizrahi, Diane D. Applicant claims small entity status. See 37 CFR 1.27. Art Unit 2165 TOTAL AMOUNT OF PAYMENT 500.00 42390P10833 Attorney Docket No. METHOD OF PAYMENT (check all that apply) ☑ Check ☐ Credit card ☐ Money Order ☐ None Other (please identify): Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below, except for the filing fee ☐ Charge fee(s) indicated below ☐ Charge any additional fee(s) or underpayment of fee(s) ☑ Credit any overpayments under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. **FEE CALCULATION** Large Entity Small Entity Fee Fee Fee Fee Fee Description Fee Paid Code (\$) Code (\$) 1051 2051 130 65 Surcharge - late filing fee or oath 1052 2052 50 <sup>25</sup> Surcharge - late provisional filing fee or cover sheet. 2053 130 2053 130 Non-English specification 1251 2251 120 60 Extension for reply within first month 1252 2252 450 225 Extension for reply within second month 1253 1,020 2253 510 Extension for reply within third month 1,590 2254 1254 795 Extension for reply within fourth month 1255 2,160 2255 1,080 Extension for reply within fifth month 1401 500 2401 <sup>250</sup> Notice of Appeal 2402 1402 500 <sup>250</sup> Filing a brief in support of an appeal 500.00 1403 1.000 2403 500 Request for oral hearing 1451 1.510 2451 1,510 Petition to institute a public use proceeding 1460 2460 130 130 Petitions to the Commissioner 1807 50 1807 <sup>50</sup> Processing fee under 37 CFR 1.17(g) 1806 180 1806 180 Submission of Information Disclosure Stmt 1809 1809 790 395 Filing a submission after final rejection (37 CFR § 1.129(a)) 1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b)) Other fee (specify) SUBTOTAL (2) 500.00 SUBMITTED BY Complete (if applicable) Registration No. (503) 439-8778 Name (Print/Type) Gregory D. Caldwell 39,926 Telephone (Attorney/Agent)

05/31/05

Date

Signature



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

| In re t                  | the Patent Application of: | )          |                          |
|--------------------------|----------------------------|------------|--------------------------|
|                          | Teng et al.                | )          |                          |
|                          |                            | )          |                          |
| Serial No.: 09/752,799 ) |                            | )          | Art Unit: 2165           |
| Filed:                   | December 28, 2000          | )          |                          |
|                          |                            | )          | Examiner: Mizrahi, Diane |
| For:                     | Method and Apparatus to Se | arch for ) |                          |
|                          | Information                | )          |                          |

HONORABLE DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE. Washington, D.C. 20231

#### APPEAL BRIEF

# IN SUPPORT OF APPELLANTS' APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicants (hereafter "Appellants") hereby submit this Brief in triplicate in support of their Appeal from a final decision by the Examiner in the above-captioned case. Appellants respectfully request consideration of this Appeal by the Board of Patent Appeals and Interferences for allowance of the claims in the above-captioned patent application.

An oral hearing is not desired.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN **ENVELOPE ADDRESSED TO:** 

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INTEL CORPORATION Name of Assignee

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## I. REAL PARTY IN INTEREST

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052.

#### II. RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

#### III. STATUS OF THE CLAIMS

Claims 1-15 as originally filed are currently pending in the above-referenced patent application. Claims 1-15 were rejected in the Final Office Action mailed on January 12, 2005 and are the subject of this appeal.

#### **IV. STATUS OF AMENDMENTS**

No amendments have been filed subsequent to the Final Rejection.

A copy of all claims on appeal, namely claims 1-15, is attached hereto as Appendix A.

#### V. SUMMARY OF CLAIMED SUBJECT MATTER

Searching for information on computer networks such as the internet is not only a popular activity it is often an important business activity. Traditionally two approaches have been used to search computer networks. The first approach is to buy or license proprietary search technology. It may be very expensive to install and maintain such technology on private network servers. Moreover, this approach ties the customer to using one search technology to service all queries. The second option utilizes search technology installed and maintained on a third party's servers under an application service provider (ASP) model. Using this approach, a customer's search queries are redirected from the customer's servers to the third party's servers where the search is conducted and the results returned to the customer. While the ASP model may lower acquisition and maintenance costs it is still tied to a particular search technology barring the customer deciding to switch search vendors wholesale. Thus, neither of the traditional approaches is capable of matching a particular search query to the search technology most suited to servicing that query. Therefore, a need exists for inter-search technology protocols to locate and match the best search technologies or "search engines" to service a particular search query. (Background, page 2, lines 10-21 to page 3, lines 1-5).

As the embodiments of Figs. 1 and 2 show, a search manager in accordance with the invention may ascertain the properties of a set of search engines in order to allow the search manager to identify the appropriate search engine to service a particular search query rather than servicing the query itself, although the invention is not limited in this respect and the search manager may also service the query. In addition, one or more of the search engines themselves may ascertain the properties of other search engines in the set of search engines

and return those properties with its own properties in response to a query for properties from the search manager. (Specification, page 5, lines 16-22 to page 6, lines 1-22).

Although the invention is not limited in this regard, the search manager may identify a particular search engine (e.g., item 110 of Figs. 2 and 3) based on the properties of that search engine. The search manager may then submit the query to locate information (i.e., the search query) to the identified search engine, possibly specifying domain or scope restrictions for the search using protocols in accordance with the invention. The search engine 110 may service the search query itself, and may also communicate the search query to other search engines in the set of search engines (e.g., items 204 and 206 of Fig. 3) based, possibly, on properties associated with those search engines as identified using protocols in accordance with the invention. The search engines 204 and 206 identified by search engine 110 may attempt to service the query, and may return search results to search engine 110 where those search results may be merged with search engine 110's results and returned as merged results to the search manager. The search manager may return the merged results to the client that initiated the query to locate information. (Specification, page 7, lines 1-14).

Although the invention is not limited in this regard, defining or specifying one or more search engines to employ for servicing a query to locate information may utilize a scheme for mapping content categories associated with the search query to suitable search engines. Content categories may comprise classifications of content; for example, "sports", "weather" etc., although the invention is not limited in this respect. Mapping may also include mapping to domains for locating content in content categories. A single content category, such as "sports" may comprise several or many domains some of which may be internal to an organization (i.e., an intranet), while others may be on the World Wide Web. Moreover, although the invention is not limited in this respect, a set of one or more domains may be associated with a particular search engine and may comprise a set of one or more servers providing physical storage for

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documents. Thus, a search engine's properties may include the content categories or domains associated with that search engine. While the set of underlying web domains for a particular category may change, along with the associated search engines, the category itself will not (i.e., "sports" will remain "sports"). Mapping of selected content categories to suitable search engines may be accomplished by, for example, use of a lookup table or database that is kept current by using protocols to request the properties of available search engines whenever desired. It may also be possible to query a search engine for properties of its associated domains, such as the name and description of a domain or a range of dates associated with the information on the domain, to name only a few possibilities. (Specification, page 7, lines 16-23 and page 8, lines 1-23).

Protocols for implementing the invention with regard to establishing communications to exchange information or messages with search engines and for encoding data in those messages may comply with, but are not limited to complying with, Hypertext Transfer Protocol (HTTP) or Secure Hypertext Transfer Protocol (HTTPS). The format of messages exchanged or communicated may comprise, but are not limited to, Extensible Markup Language (XML) format, for example, while message syntax may comprise the Uniform Resource Locator (URL) syntax or the Structured Query Language (SQL), to name a few possibilities. The message scheme used may vary according to the particular message format and syntax. The protocols may also include facilities to retrieve a search engine's search activity logs comprising properties of other searches performed by the engine. The activity log properties may include the text or terms of the search query, the type of data returned (documents, statistics, etc.), time and date of search etc. (Specification, page 13, lines 8-23 and page 14, lines 1-14).

Simply stated, and referring, for example, to Figs. 2 and 5, Appellants' claimed invention includes, as just one embodiment, the method of storing two or more content categories (e.g., Serial No. 09/752,799

returned by a plurality of search engines (e.g., the set comprising search engines 110, 202, 204, and 206), at least one search engine suited to service a query (e.g., engine 110) having at least one content category in common with the two or more stored content categories. (Specification, page 25, lines 1-5; FIGS. 2 and 5). The properties returned by the plurality of search engines may include the search capabilities (e.g., content categories and/or search scope restrictions) of those search engines. (Specification, page 6, lines 6-10; FIG. 2).

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# VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mann et al (U.S. Patent No. 6,298,341) in view of Belfiore et al (U.S. Patent No. 6,009,459).

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#### VII. ARGUMENT

#### A. REJECTION UNDER 35 U.S.C. § 103(a)

#### i. Claims 1-15

The Examiner has rejected claims 1-15 as being unpatentable over Mann et al (U.S. patent 6,298,341) ("Mann") as applied to claim 1 below in view of Belfiore et al (U.S. patent 6,009,459) ("Belfiore"). Appellants note that the Examiner has applied the same rejection to the other independent claims 6 and 11. Appellants assert that the rejection of claims 1-15 under 35 U.S.C. § 103(a) on Mann in view of Belfiore is improper.

Claim 1 as originally filed and never amended recites "storing a plurality of content categories; and identifying, according to properties returned by a plurality of search engines, at least one search engine suited to service a query having at least one content category of the plurality of content categories." (Claim 1, lines 2-5). The other independent claims, claims 6 and 11, also un-amended, recite similar elements. Neither Mann nor Belfiore, alone or in combination, expressly or inherently meets the claim limitations directed to "identifying, according to properties returned by a plurality of search engines, at least one search engine suited to service a query" and/or limitations recited in the dependent claims.

In her rejection made in the Office Action mailed on July 19, 2004, which she further confirmed in the Final Office Action mailed on January 12, 2005, the Examiner relies on Mann for teaching all the limitations of these claims except for the limitation of "a plurality of search engines." In this regard, the Examiner merely states, "Mann does not expressly teach the claimed, 'a plurality of search engines'." Therefore, the Examiner concedes that Mann does not teach a plurality of search engines. However, as will be discussed in detail below, Appellants assert that Mann further fails to teach "identifying, according to properties returned

by a plurality of search engines, at least one search engine suited to service a query" as claimed. Moreover, Belfiore fails to correct this deficiency in Mann.

Even assuming, for the sake of argument, that Mann's sole inadequacy is a failure to teach a plurality of search engines, Appellants do not believe that the combination of Mann and Belfiore is proper under section 103. Furthermore, even assuming, for the sake of argument, that the combination were proper the combination would still fail to produce the subject matter of the rejected claims.

### Summary of the Mann Reference

Action, the Examiner asserts that Mann teaches storing a plurality of content categories and identifying, according to properties returned by a plurality of search engines, at least one search engine suited to service a query having at least one content category of the plurality of content categories as claimed. However, Appellants respectfully assert that the Examiner has incorrectly characterized the teachings of the Mann reference. Moreover, the Final Office Action has applied the language recited in Appellant's claim 1 in a manner that is inconsistent with the explicit teachings of Mann.

Mann's invention relates to "systems and methods used to facilitate registration" of domain names and URLs. (Mann, col. 1, lines 8-10). More specifically, Mann discloses a user accessible "domain name service and system" to supply users with "lists of available domain names based on user-specified criteria (root terms)." (Mann, col. 3, lines 40-45). In other words, Mann discloses an online system for generating registrable domain names where users supply root terms that they desire to have incorporated into domain names that they may register. (Mann, col. 4, lines 35-40). Thus, Mann's disclosure is directed at solving the

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problem of selecting and registering domain names that best suit a particular user's purposes. (Mann, col. 2, lines 20-21).

Referring to Mann's Figs. 1-2 and 3A-D, a user of Mann's system would submit an online form requesting "one or more root terms for available domain names" such as, for example, a user desiring to register domain names incorporating the root term "tax" such as "taxmoney.com," "ustax.com," etc. (Mann, col. 4, lines 30-40; Fig. 3A, step S3-3). Next, the user specifies an email address for the system to send lists of available domain names to. (Mann, col. 4, lines 48-50; Fig. 3A, step S3-4). Mann's system then concatenates the userspecified root terms with "adjunct terms" (e.g., prefixes, suffixes, etc.) "specified in (an) adjunct database" to generate a list of "candidate domain names." (Mann, col. 4, lines 55-58; Fig. 3A, step S3-5). Mann's system then checks the candidate domain names against an internal database and if a match is found then that domain name is labeled as not available (and thus dropped from the list of registrable domain names ultimately presented to the user). (Mann, col. 5, lines 19-21; Fig. 3A, steps S3-6,7). Candidate names that survive step S3-6 are checked against the external InterNIC database. (Mann, col. 5, lines 34-37; Fig. 3B, step S3-9). Appellants note that InterNIC is a registered service mark of the U.S. Department of Commerce and that the InterNIC website and associated database are operated by the Internet Corporation for Assigned Names and Numbers (ICAAN).

Simply stated, Mann discloses a system and method for generating candidate domain names from a user's desired root term(s) and checking or clearing those candidate domain names against databases either known to contain all registered domain names (i.e. InterNIC) or against databases that may contain domain name information such as Internet root zone files. (Mann, col. 3, lines 50-55). The "search" function shown in Fig. 5A of Mann simply refers to Mann's disclosed method for searching for matches against registered domain names stored on the InterNIC database or otherwise identifiable as registered domain names. (Mann, Serial No. 09/752,799

col. 7, lines 5-10). No where in Mann is it taught that the search function shown in Fig. 5A returns anything other than search results. Thus, critically, **Mann fails to teach identifying**, according to properties returned by a plurality of search engines, at least one search engine suited to service a query having at least one content category of the plurality of content categories as claimed.

### Summary of the Belfiore Reference

According to the Final Office Action in repeating the rejection made in the First Office Action, Belfiore teaches the "plurality of search engines" that Mann fails to teach.

Belfiore discloses a "method for automatically initiating a search for a resource such as a web site when a user has specified (entered) text that is not a valid identifier for the resource , e.g., a uniform resource locator (URL)." (Belfiore, col. 2, lines 12-16). Thus Belfiore's disclosed system addresses the problem of directing a user to an intended web site when that user has entered an erroneous URL. (Belfiore, col. 2, lines 5-45).

Because the Examiner has relied upon Belfiore only to the extent that Belfiore mentions the existence of multiple commercial search engine technologies (e.g., those developed by Google Incorporated, Alta Vista, Inc., etc.), Appellants will not describe Belfiore's disclosure in further detail.

#### Under 103(a) the claimed invention as a whole must be considered

Appellants note that in determining the differences between the alleged prior art and the claimed invention the question for the Examiner is not whether "the differences themselves would have been obvious, but whether the invention as a whole would have been obvious."

(emphasis in original). MPEP 2141.02 (citing Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530 (Fed. Cir. 1983). In making her rejection, the Examiner has relied upon Belfiore's teaching of Serial No. 09/752,799

multiple search engines to supplement the inadequate teachings of Mann. (Final Office Action, page 6). However, Appellants assert that the Examiner has failed to properly read the limitations of claim 1 as reflects the claimed invention as a whole. Claim 1 clearly recites identifying at least one search engine "according to properties returned by a plurality of search engines" (emphasis added). (Claim 1, line 3). Thus, by considering Mann's disclosure to be deficient for only failing to disclose "a plurality of search engines" the Examiner has failed to consider obviousness in the context of the claimed invention as a whole.

Appellants assert that Mann fails to disclose the claimed limitation of identifying at least one search engine "according to properties returned by a plurality of search engines" (emphasis added). Appellants note that in her rejection the Examiner relies solely upon Mann's teaching of a system for receiving lists of available candidate domain names to argue that Mann teaches these claim elements. (Final Office Action, page 6; referring to Mann, col. 3, lines 40-55). However, as discussed supra, Mann teaches a search function that only returns search results. (Mann, col. 7, lines 5-10). Hence, if the examiner is only relying on Belfiore for the teaching of a plurality of search engines then for the Examiner to properly determine obviousness in the context of the claimed invention as a whole she must show how Mann teaches identifying at least one search according to properties returned by a plurality of search engines.

Thus, Appellants do not believe that Mann in combination with Belfiore teaches the claimed invention and hence, Mann and Belfiore do not represent a proper combination under section 103. Thus, it is respectfully asserted that the Examiner has failed to meet her burden of establishing a *prima facie* case of unpatentability under 35 U.S.C. § 103(a). However, even assuming, without conceding, that the combination asserted by the Examiner is proper, Appellants assert that the Mann reference does not relate, nor is it analogous to the subject matter of the claimed invention.

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Mann relates to a method and system for registering domain names and not to a method or system for identifying search engines best suited to servicing a query

Mann's teachings are directed towards the solution of expediting the identification of registrable domain names. (Mann, col. 2, lines 19-21). Mann clearly teaches that candidate domain names are cleared against sources of known registered domain names (e.g., InterNIC). (Mann, col. 5, lines 34-37). Thus, Appellants assert that Mann does not teach, nor does Mann require, a method or system for ascertaining the properties of a plurality of search engines because Mann teaches a system that already knows where to obtain the desired information using a single search engine. Hence Mann is not analogous to the claimed invention. The Examiner cites one search engine in Mann (i.e., Fig. 5A "search button") suited to service a query (i.e., Fig. 5A, item #507) but does not explain how that search engine is identified according to properties returned by a plurality of search engines in accordance with the claimed invention. Appellants respectfully assert that the Examiner has not done so because Mann has no need to identify one or more particular search engines according to properties returned by a plurality of search engines.

Nonetheless, even assuming, for the sake of argument, that Mann relates to or is analogous to the subject matter of the claimed invention and assuming, once again, for the sake of argument, that the combination produced the claimed limitations, the combination would still fail for not being based on a proper motivation or suggestion.

Obviousness must be assessed within the context of what the prior art as a whole would have suggested to one of ordinary skill in the art at the time of the invention

A prima facie case of obviousness can

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only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art (emphasis added)

MPEP 2143.01 (citing In re Kotzab, 217 F.3d 1365 (Fed. Cir. 2000)).

The Examiner has argued that:

Mann in combination with Belfiore's plurality of search engines teaches Applicant's invention with the motivation to automatically retrieve information regarding appropriate website (Belfiore, col. 4, lines 35-40)

(Final Office Action, page 4).

Appellants assert that if, as the Examiner claims, it is Belfiore that supplies the motivation to combine, then it should be the Belfiore disclosure that is modified to incorporate the teachings of Mann and <u>not</u>, as the Examiner's rejection clearly sets forth, that the Mann disclosure should be modified by the teachings of Belfiore. In other words, Appellants assert that under a proper *prima facie* case of obviousness Mann should provide the motivation to modify Mann's teachings by incorporating the "plurality of search engines" taught by Belfiore not, as the Examiner argues, that it should be Belfiore providing the motivation to modify Mann.

Importantly, Appellants assert that one of ordinary skill in the art having read and understood the disclosure of Mann would not look toward the teachings of Belfiore. In particular, as discussed supra, Mann's teachings are directed towards the solution of expediting the identification of registrable domain names. (Mann, col. 2, lines 19-21). In doing so, Mann clearly teaches that candidate domain names are cleared against known information sources (i.e., InterNIC). One of ordinary skill in the art relating to Mann would know and recognize the specific sources of information regarding registered domain names. Thus,

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Mann provides no motivation, inherent or otherwise, for one of ordinary skill in the art to modify Mann to include a plurality of search engines returning properties with the motivation to enable identification of a particular search engine precisely because Mann fails to teach a need for the identification of a particular search engine. Thus, Appellants respectfully assert that the Examiner has failed to adhere to the admonition that a *prima facie* case of obviousness can only be established by providing "some objective reason to combine the teachings of the references." MPEP 2143.01 (citing <a href="Ex-parte-Levengood">Ex-parte-Levengood</a>, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

Nonetheless, even assuming, for the sake of argument, that Mann or, for that matter, Belfiore provides proper motivation to combine, the combination would still fail because to incorporate the teachings of Belfiore into Mann would change the principle of operation of Mann.

# The proposed modification cannot change the principle of operation of a reference

If the Examiner's asserted combination or modification would "change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." MPEP 2143.01 (citing In re Gordon, 733 F.2d 900 (Fed. Cir. 1984). The Examiner argues that it would be obvious to modify the teachings of Mann with the teachings of Belfiore. (Final Office Action, page 5). But to do so would change the principle of operation of Mann's invention. As discussed in detail supra, Mann discloses a method and system for identifying registrable internet domain names. Appellants assert that, assuming for the sake of argument that the asserted combination produces the subject matter of the rejected claims, which Appellants assert it does not, modifying Mann with Belfiore to incorporate a plurality of search engines with the goal of returning properties of those search engines would not only add no useful

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functionality to Mann's teachings but would, instead, serve only to divert resources (e.g., network communications bandwidth) from Mann's disclosed purpose of clearing candidate domain names against known sources of information.

Therefore, Appellants do not believe that this represents a proper combination under section 103. Even assuming, for the sake of argument, the combination were proper the combination would still fail to produce the subject matter of the rejected claims. Furthermore, even were the combination asserted by the Examiner to produce the invention as recited in claim 1, for example, which Appellants assert it does not, the Examiner has not provided the necessary suggestion or motivation to make the asserted combination. And, finally, Appellants assert that the asserted combination would change the principle of operation of the main reference.

As previously stated, the main reference cited by the Examiner, namely Mann, is not related, nor is it analogous, to the claimed subject matter, as was previously discussed in detail. Moreover and most critically, Mann is deficient for more than simply failing to teach a plurality of search engines: Mann is at least also deficient for failing to teach identifying, according to properties returned by a plurality of search engines, at least one search engine suited to service a query as claimed. Belfiore fails to correct these deficiencies of Mann. Under these circumstances, the combination would not render the claimed subject matter obvious as one of ordinary skill in the art would not look to Mann in solving the particular problem addressed by the Appellants. Based on the foregoing, it is respectfully asserted that claims 1-15 recite patentable subject matter.

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### VIII. CONCLUSION

Appellants respectfully submit that all the pending claims in this patent application are patentable and request that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

This brief is submitted along with a check for \$500.00 to cover the fee for filing a brief in support of an appeal for one other than a small entity as specified in 37 C.F.R. § 41.20(b)(2). Please charge any shortages and credit any overcharges to Deposit Account No. 02-2666.

Respectfully submitted,

Date: May 31, 2005

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### APPENDIX A: CLAIMS ON APPEAL

1. A method comprising:

storing a plurality of content categories; and

identifying, according to properties returned by a plurality of search engines, at least one search engine suited to service a query having at least one content category of the plurality of content categories.

2. The method of claim 1 in which identifying the at least one search engine further comprises:

identifying at least one domain of the at least one search engine suited to service the query.

3. The method of claim 1 further comprising:

analyzing the content of a query to determine the at least one content category of the query; and

identifying at least one domain of the at least one search engine suited to service the query according to the content category.

4. The method of claim 2 in which identifying at least one domain of the at least one search engine suited to service the query further comprises:

identifying the at least one domain according to a scope of the query.

5. The method of claim 1 in which at least one content category of the plurality of content categories further comprises:

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child categories.

### 6. An article comprising:

a machine-readable medium comprising instructions which, when executed by a processor, result in:

storing a plurality of content categories; and

identifying, according to properties returned by a plurality of search engines, at least one search engine suited to service a query having at least one content category of the plurality of content categories.

7. The article of claim 6 in which execution of the instructions to identify the at least one search engine further results in:

identifying at least one domain of the at least one search engine suited to service the query.

8. The article of claim 6, further comprising instructions which, when executed by the processor, result in:

analyzing the content of a query to determine the at least one content category of the query; and

identifying at least one domain of the at least one search engine suited to service the query according to the content category.

9. The article of claim 7 in which execution of the instructions to identify the at least one domain of the at least one search engine suited to service the query further results in:

identifying the at least one domain according to a scope of the query.

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10. The article of claim 6 in which at least one content category of the plurality of content categories further comprises:

child categories.

11. A system comprising:

a processor; and

a machine-readable medium comprising instructions which, when executed by the processor, result in:

storing a plurality of content categories; and

identifying, according to properties returned by a plurality of search engines, at least one search engine suited to service a query having at least one content category of the plurality of content categories.

12. The system of claim 11 in which execution of the instructions to identify the at least one search engine further results in:

identifying at least one domain of the at least one search engine suited to service the query.

13. The system of claim 11, further comprising instructions which, when executed by the processor, result in:

analyzing the content of a query to determine the at least one content category of the query; and

identifying at least one domain of the at least one search engine suited to service the query according to the content category.

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14. The system of claim 12 in which execution of the instructions to identify the at least one domain of the at least one search engine suited to service the query further results in:

identifying the at least one domain according to a scope of the query.

15. The system of claim 11 in which at least one content category of the plurality of content categories further comprises:

child categories.